

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0927-PWS-E **TCEQ ID:** RN101385029 **CASE NO.:** 33761
RESPONDENT NAME: City of Paducah

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Paducah, 804 West Street, Cottle County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Howard Smith, Mayor, City of Paducah, P.O. Box 759, Paducah, Texas 79248 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 29, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 29, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to submit well completion data prior to placing the well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>2) Failure to perform customer service inspections prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>3) Failure to install a backflow prevention assembly within the distribution system where a known health hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>4) Failure to provide flow meters on the well discharge lines [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>5) Failure to compile a thorough plant operations manual and keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(I)].</p> <p>6) Failure to maintain, design, fabricate, erect, test and disinfect all facilities for potable water storage in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(2), (3), (6) and (8)].</p>	<p>Total Assessed: \$3,097</p> <p>Total Deferred: \$619 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,478</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;</p> <p>ii. Install backflow prevention devices at areas where a known health hazard exists;</p> <p>iii. Provide a flow meter on the well discharge lines; and</p> <p>iv. Acquire and submit the well completion data.</p> <p>b) With 60 days after the effective date of this Agreed Order:</p> <p>i. Submit documentation as described in Ordering Provision c. that demonstrates compliance with Ordering Provision a.;</p> <p>ii. Implement a customer service inspection program that will ensure that customer service inspections are performed by a certified individual; and</p> <p>iii. Ensure the ground storage tanks are maintained and designed in strict accordance with current AWWA standards.</p> <p>c) Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision b.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned

4-Jun-2007

PCW

11-Jun-2007

Screening

11-Jun-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Paducah

Reg. Ent. Ref. No. RN101385029

Facility/Site Region 3-Abilene

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 33761

Docket No. 2007-0927-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 6

Order Type 1660

Enf. Coordinator Amy Martin

EC's Team Enforcement Team 2

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,950

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

5% Enhancement

Subtotals 2, 3, & 7

\$147

Notes

Enhancement due to one previous Notice of Violation ("NOV") with violations the same as those in the current enforcement case.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

*Capped at the Total EB \$ Amount

Total EB Amounts \$908

Approx. Cost of Compliance \$18,900

SUM OF SUBTOTALS 1-7

Final Subtotal

\$3,097

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$3,097

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$3,097

DEFERRAL

20%

Reduction

Adjustment

-\$619

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$2,478

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement due to one previous Notice of Violation ("NOV") with violations the same as those in the current enforcement case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Jun-2007 Respondent City of Paducah Case ID No. 33761 Reg. Ent. Reference No. RN101385029 Media [Statute] Public Water Supply Enf. Coordinator Amy Martin Violation Number <input type="text" value="1"/>	Docket No. 2007-0927-PWS-E <div style="text-align: right;"> PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i> </div>																														
Rule Cite(s) <input style="width: 100%;" type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(A)"/>																															
Violation Description <input style="width: 100%;" type="text" value="Failed to submit well completion data prior to placing a well into service. Specifically, no completion data was submitted for any of the 12 production wells."/>																															
Base Penalty <input style="width: 100%;" type="text" value="\$1,000"/>																															
>> Environmental, Property and Human Health Matrix																															
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;">Harm</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> Percent <input style="width: 50px;" type="text" value="0%"/> </div>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>											
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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;">Falsification</td> <td style="width: 20%; text-align: center;">Major</td> <td style="width: 20%; text-align: center;">Moderate</td> <td style="width: 20%; text-align: center;">Minor</td> </tr> <tr> <td></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> Percent <input style="width: 50px;" type="text" value="10%"/> </div>		Falsification	Major	Moderate	Minor		<input type="text"/>	x	<input type="text"/>	<input type="text"/>																				
	Falsification	Major	Moderate	Minor																											
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Matrix Notes	<input style="width: 100%;" type="text" value="100% of the rule requirement was not met."/>																														
Adjustment <input style="width: 100%;" type="text" value="\$900"/>																															
<input style="width: 100%;" type="text" value="\$100"/>																															
Violation Events																															
<div style="display: flex; justify-content: space-between;"> <div> Number of Violation Events <input style="width: 50px;" type="text" value="12"/> </div> <div> <input style="width: 50px;" type="text" value="74"/> Number of violation days </div> </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;">daily</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <div style="text-align: right; margin-top: 10px;"> Violation Base Penalty <input style="width: 100%;" type="text" value="\$1,200"/> </div> </div> <div style="margin-top: 10px;"> <input style="width: 100%;" type="text" value="Twelve single events (one for each well) are recommended."/> </div>			daily					monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>		quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>		semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>		annual	<input type="text"/>	<input type="text"/>	<input type="text"/>		single event	x	<input type="text"/>	<input type="text"/>
	daily																														
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	quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
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	single event	x	<input type="text"/>	<input type="text"/>																											
<div style="display: flex; justify-content: space-between;"> <div> Economic Benefit (EB) for this violation </div> <div> Statutory Limit Test </div> </div>																															
<div style="display: flex; justify-content: space-between;"> <div> Estimated EB Amount <input style="width: 100px;" type="text" value="\$419"/> </div> <div> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$1,260"/> </div> </div>																															
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$1,260"/>																															

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 33761
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$9,000	29-Mar-2007	3-Mar-2008	0.9	\$419	n/a	\$419

Notes for DELAYED costs

Estimated cost to prepare and submit the well completion data. Date required is the date of the investigation.
 Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$9,000

TOTAL

\$419

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to perform customer service inspections prior to providing continuous water service to new construction. Specifically, the water system failed to employ a certified customer service inspector.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have a certified inspector could expose customers of the water supply to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the March 29, 2007 investigation date to the June 11, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 33761
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	29-Mar-2007	3-Apr-2008	1.0	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to complete the required customer service inspector training. Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to install a backflow prevention assembly within the distribution system where a known health hazard exists. Specifically, the Paducah High School was not equipped with a backflow prevention device.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to install backflow prevention assemblies could allow a significant amount of contaminants to enter the system which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

74 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

Three monthly events are recommended from the March 29, 2007 investigation date to the June 11, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$787

This violation Final Assessed Penalty (adjusted for limits) \$787

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 33761
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	29-Mar-2007	3-Mar-2008	0.9	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to install the backflow prevention device. Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description

Failed to provide flow meters on the well discharge lines. Specifically, none of the 12 production wells were equipped with individual flow meters.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have a flow meter could contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 12

74 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$600

Twelve single events (one for each well) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$140

Violation Final Penalty Total \$630

This violation Final Assessed Penalty (adjusted for limits) \$630

Economic Benefit Worksheet**Respondent** City of Paducah**Case ID No.** 33761**Reg. Ent. Reference No.** RN101385029**Media** Public Water Supply**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	29-Mar-2007	3-Mar-2008	0.9	\$140	n/a	\$140

Notes for DELAYED costs

Estimated cost to install a flow meter on each of the 12 wells. Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$3,000

TOTAL

\$140

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

74 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet**Respondent** City of Paducah**Case ID No.** 33761**Reg. Ent. Reference No.** RN101385029**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	29-Mar-2007	3-Mar-2008	0.9	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the date of the investigation.
Final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided cost associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 11-Jun-2007

Docket No. 2007-0927-PWS-E

PCW

Respondent City of Paducah

Policy Revision 2 (September 2002)

Case ID No. 33761

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101385029

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(2), (3), (6) and (8)

Violation Description

Failed to maintain, design, fabricate, erect, test and disinfect all facilities for potable water storage in strict accordance with American Water Works Association ("AWWA") standards. Specifically, the 0.150 million gallon ground storage tank ("GST") was not equipped with a 30" access opening and the paint was deteriorating. The 0.250 million gallon GST was not equipped with a 30" access opening, had deteriorated sand traps and overflow device and was leaking in two areas.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly maintain and design the GSTs in strict accordance with AWWA standards could expose customers of the water supply to significant amounts of pollutants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

74

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events (one for each tank) are recommended from the March 29, 2007 investigation date to the June 11, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$305

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet**Respondent** City of Paducah**Case ID No.** 33761**Reg. Ent. Reference No.** RN101385029**Media** Public Water Supply**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,000	29-Mar-2007	3-Apr-2008	1.0	\$305	n/a	\$305

Notes for DELAYED costs

Estimated cost to repair and construct the GSTs in accordance with AWWA standards. Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$6,000

TOTAL

\$305

Compliance History

Customer/Respondent/Owner-Operator:	CN600629836	City of Paducah	Classification: AVERAGE	Rating: 2.88
Regulated Entity:	RN101385029	CITY OF PADUCAH	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		0510001 0510001
Location:	804 WEST ST, COTTLE COUNTY, TX, 79248			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	June 06, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 06, 2002 to June 06, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Amy Martin	Phone:	512-239-2540	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 03/10/2004 | (265428) |
| 2 | 06/19/2006 | (483363) |
| 3 | 05/31/2007 | (556782) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/10/2004 (265428)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: FAILURE TO COMPLETE SYSTEM MONITORING PLAN.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: FAILURE TO PROVIDE CERTIFIED CUSTOMER SERVICE INSPECTOR.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(i)

Description: FAILURE TO CONDUCT BACKFLOW DEVICE INSTALLATION AND TESTING ACTIVITIES.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: FAILURE TO PROVIDE METERING DEVICES ON WATER WELLS.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)

Description: FAILURE TO PROVIDE SCREENED AIR RELEASE DEVICES ON WELLS.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)

Description: FAILURE TO PREVENT CATTLE FROM GRAZING WITHIN 50' OF WATER WELL.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: FAILURE TO PROVIDE SANITARY CONTROL EASEMENTS FOR WELLS.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: FAILURE TO PROVIDE EMERGENCY SIGNS AT WATER PRODUCTION AND STORAGE SITES.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: FAILURE TO MAINTAIN PAINTED SURFACES ON WATER STORAGE FACILITIES.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: FAILURE TO MAINTAIN OVERFLOW DEVICES ON WATER STORAGE TANKS.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: FAILURE TO PROVIDE 30" ACCESS OPENING ON WATER STORAGE FACILITIES.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES IN WATER TIGHT CONDITION.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: FAILURE TO MAINTAIN INTRUDER RESISTANT FENCING.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PADUCAH
RN101385029**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0927-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Paducah ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 804 West Street, Cottle County, Texas (the "Facility") that has approximately 750 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about June 3, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Ninety-Seven Dollars (\$3,097) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Two Thousand Four Hundred Seventy-Eight Dollars (\$2,478) of the administrative penalty and Six Hundred Nineteen Dollars (\$619) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred

amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to submit well completion data prior to placing the well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on March 29, 2007.
2. Failed to perform customer service inspections prior to providing continuous water service to new construction, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on March 29, 2007.
3. Failed to install a backflow prevention assembly within the distribution system where a known health hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on March 29, 2007.
4. Failed to provide flow meters on the well discharge lines, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on March 29, 2007.
5. Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(I), as documented during an investigation conducted on March 29, 2007.

6. Failed to maintain, design, fabricate, erect, test and disinfect all facilities for potable water storage in strict accordance with American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), (3), (6) and (8), as documented during an investigation conducted on March 29, 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Paducah, Docket No. 2007-0927-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Install backflow prevention devices at areas where a known health hazard exists, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - iii. Provide a flow meter on the well discharge lines, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iv. Acquire and submit the well completion data, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - b. With 60 days after the effective date of this Agreed Order:
 - i. Submit documentation as described in Ordering Provision 2.c. that demonstrates compliance with Ordering Provision 2.a.;

- ii. Implement a customer service inspection program that will ensure that customer service inspections are performed by a certified individual, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Ensure the ground storage tanks are maintained and designed in strict accordance with current AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 169
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written

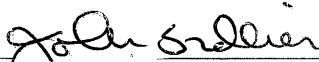
approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/21/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

August 14, 2007
Date

Howard Smith
Name (Printed or typed)
Authorized Representative of
City of Paducah

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

